

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE BRICKLAYERS AND ALLIED
CRAFTWORKERS, LOCAL 5 NEW YORK
RETIREMENT, WELFARE, LABOR MANAGEMENT
COALITION and APPRENTICE TRAINING AND
JOURNEYMEN UPGRADING FUNDS, and
BRICKLAYERS AND ALLIED CRAFTWORKERS
LOCAL 5 NEW YORK,

Plaintiffs,

- against -

NAVILLUS TILE, INC. d/b/a NAVILLUS CONTRACTING
and DONAL O'SULLIVAN d/b/a NAVILLUS CONTRACTING,
and DONAL O'SULLIVAN, Individually,

Defendants.

ECF CASE**STIPULATION AND ORDER
DISCONTINUING ACTION****05 CIV1049 (CLB)(LMS)**

WHEREAS, to avoid the expense and inconvenience of continued litigation and the
parties having agreed to settle this action, it is

HEREBY STIPULATED AND AGREED by and between the undersigned attorneys
for the parties that this action be discontinued with prejudice and without costs.

Dated: November 29, 2005

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BY:

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SO ORDERED Nov 29, 2005

Charles L. Brieant, U.S.D.J.

FILED:clerk/MAH/CLB/Nov29/STIPULATION DISC.wpd/November 28, 2005 (2:40pm)

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VARIOUS GELLERT & KLEIN ATTORNEYS
ARE ALSO ADMITTED TO PRACTICE IN
CT, FL, MA, ENGLAND

November 29, 2005

Mr. Robert Rogers, Chief Deputy Clerk
United States District Court
Southern District of New York
U.S. District Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Trustees of the Bricklayers and Allied Craftworkers
Local 5, New York Funds, et al. v. Navillus Contracting/
Navillus Tile, Inc. and Donal O'Sullivan, Individually
05 CIV 1049 (CLB)(LMS)
Our File No. 22520.5031

Dear Mr. Rogers:

Enclosed for filing please find Stipulation and Order Discontinuing Action in the above captioned matter.

By copy of this letter to Judge Brieant we are providing His Honor with a copy of the stipulation and informing him that the conference in this case, currently scheduled before him on December 2, 2005 at 11:00 a.m., will no longer be necessary.

Very truly yours,

GELLERT & KLEIN, P.C.

STEPHEN E. EHLERS

SEE:jcd
Enclosure

cc: Hon. Charles L. Brieant (w/encl.) **(VIA FACSIMILE)**
Mr. Tony Piacente (w/encl.)
Mr. Andrew T. Gallante (w/encl.)
Keith R. McMurdy (w/encl.)